

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

LAWNDALE CHRISTIAN HEALTH CENTER, in its  
capacity as Plan Sponsor and Plan Administrator of  
the Lawndale Christian Health Center Group Health  
Plan,

Plaintiff,

v.

NUTAN NIKHIL PATEL-SIONY, NOEL SIONY  
(a minor), ESTHER SIONY (a minor)  
ELIZABETH SIONY (a minor), and  
HOOGENDOORN & TALBOT LLP

Defendants.

Civil Action No. 17 C 2759

**MOTION TO DISMISS PURSUANT TO SETTLEMENT  
WITH LEAVE TO REINSTATE BY JULY 27, 2017**

Plaintiff Lawndale Christian Health Center, an Illinois not-for-profit corporation, in its capacity as Plan Sponsor and Plan Administrator of the Lawndale Christian Health Center Group Health Plan, by its attorney Jeffrey D. Corso of Cooney Corso & Moynihan, LLC, moves for the dismissal of its claims without prejudice pursuant to settlement with leave to reinstate such claims by motion filed on or before July 27, 2017 should the settlement fail to be funded, and states:

1. In late-June, 2017, Plaintiff and Defendants reached a non-confidential agreement resolving Plaintiff's claims. The agreement provided that in exchange for the sum of \$36,500.00 paid to Plaintiff, Plaintiff would agree to release, discharge and hold harmless Defendants from any liability for any and all ERISA liens or other claims of reimbursement belonging to Plaintiff's Plan arising from the injuries and damages suffered by Dr. Nikhil Siony, deceased, as a result of an October 17, 2014 motor vehicle accident.

2. On July 12, 2017, Plaintiff tendered an executed release to Defendants. Defendants' attorneys have represented to Plaintiff's counsel that on July 12, 2017, the settlement check in the amount of \$36,500 has been deposited in the United States mail addressed to Plaintiff's counsel.

3. In view of the foregoing, Plaintiff stipulates to entry of an order dismissing Plaintiff's claims without prejudice and with leave to file a motion to reinstate the claims by February 27, 2017 should the settlement fail to be funded.

WHEREFORE, Plaintiff prays that this Court enter an order on July 13, 2017 dismissing Plaintiff's claims without prejudice and with leave to file a motion to reinstate the claims by July 27, 2017 should the settlement fail to be funded.

Dated: July 12, 2017

LAWNDALE CHRISTIAN HEALTH CENTER

Respectfully submitted,

By:



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